

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

THOMAS W. CURTIS,

Plaintiff,

v.

LAKES CROSSING CENTER,

Defendant.

Case No. 3:20-cv-00640-MMD-WGC

ORDER

Pro se Plaintiff Thomas W. Curtis attempted to file a civil rights complaint under 42 U.S.C. § 1983 on November 16, 2020. (ECF No. 1-1.) In a prior order, United States Magistrate Judge William G. Cobb noted that Plaintiff had not properly completed an application to proceed *in forma pauperis* (“IFP Application”), and that his Complaint was too difficult to understand. (ECF No. 3.) Judge Cobb therefore ordered Plaintiff to file a completed, proper IFP Application and an amended complaint by January 19, 2021—and warned him his case would be dismissed without prejudice if he did not comply. (*Id.* at 3-4.) Indeed, Judge Cobb explicitly stated in that order that, “if Plaintiff does not file a fully complete application to proceed in forma pauperis with all three documents or pay the full \$400 filing fee for a civil action on or before January 19, 2021, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed in forma pauperis or pays the full \$400 filing fee.” (*Id.* (emphasis omitted).) Plaintiff has not filed an amended complaint or a completed IFP application, nor has he paid the filing fee.

“Pursuant to Federal Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to comply with any order of the court.” *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992); see *also id.* at 1260-63 (affirming dismissal for failure to comply

1 with an order requiring amendment of complaint). And as a function of that power in this
2 case, the Court will dismiss Plaintiff's entire case without prejudice because Plaintiff has
3 not filed an amended complaint or IFP Application within the time provided by the Judge
4 Cobb, despite Judge Cobb's warning.

5 It is therefore ordered that this case is dismissed, in its entirety, without prejudice.

6 The Clerk of Court is directed to enter judgment accordingly and close this case.

7 DATED THIS 26th Day of January 2021.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE